

1 JOSEPH R. ASHBY (SBN 248579)  
2 [joseph.ashby@offitkurman.com](mailto:joseph.ashby@offitkurman.com)  
3 OFFIT KURMAN, P.C.  
4 445 S. Figueroa Street, 18<sup>th</sup> Floor  
5 Los Angeles, California 90071  
6 Telephone: 213.629.5700  
7 Facsimile: 213.624.9441

8 *Attorneys for Defendants,*  
9 *Business Financial Solutions Advisory*  
10 *LLC, Ryan Carroll, Max K. Day,*  
11 *Max O. Day, Michael Day, Dreams To*  
12 *Reality LLC, Evo Maxx LLC, HouTex*  
13 *Farm Equity Partners LLC, MKD Family*  
14 *Beneficiary, LLC, MKD Family Private*  
15 *Management Company, LLC, MKD*  
16 *Investment Advisor, LLC, Max Day*  
17 *Consulting, LLC, Precision Trading*  
18 *Group, LLC, Providence Oak Properties,*  
19 *LLC, WA Amazon Seller LLC, WA*  
20 *Distribution LLC, WWKB LLC, Yax*  
21 *Ecommerce LLC, Yax IP and Management*  
22 *Inc.*

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**DECLARATION OF MAX K. DAY**

I, Max K. Day, declare as follows:

1. I am one of the defendants in the above-entitled action.

2. I have personal knowledge of the facts stated herein, and if called to testify, I could and would do so competently.

3. I make this declaration in support of the Supplemental Submission for Release of Funds for Counsel on behalf of myself the other defendants listed in paragraph 4 below.

9        4. I along with Michael Day, Max O. Day, Jared Day, WWKB LLC,  
10      Business Financial Solutions Advisory LLC, HouTex Farm Equity Partners LLC,  
11      MKD Family Beneficiary, LLC, MKD Family Private Management Company,  
12      LLC, MKD Investment Advisor, LLC, Max Day Consulting, LLC, Precision  
13      Trading Group, LLC, Providence Oak Properties LLC, and Evomaxx LLC (the  
14      “Day Defendants”) desire to hire new counsel to replace our existing counsel at  
15      Lloyd & Mousilli, PLLC and Offit Kurman, P.C.

16       5. Susan Anhalt, Esq., a corporate lawyer with a law practice in Los  
17 Angeles County, assisted me in identifying and interviewing alternate litigation  
18 counsel in Los Angeles to represent the Day Defendants in this litigation.

19       6. Ms. Anhalt reported to me that, of the six firms with whom she  
20 discussed the case, none were willing to accept representation of the Day  
21 Defendants without a change to the Order Discharging Order to Show Cause re  
22 Preliminary Injunction and Granting Preliminary Injunction Freezing Assets, dated  
23 May 13, 2024 (the “May 13 Order”). Specifically, all of the law firms advised that  
24 the May 13 Order would need to be modified to allow for the payment by the Day  
25 Defendants to such law firms of their ongoing legal fees and costs as they become  
26 due as well as a substantial retainer at the initiation of the firm’s representation.

1       7. With the assistance of Ms. Anhalt, I interviewed prospective counsel  
2 and they informed me that in order for them to agree to substitute in as counsel of  
3 record for myself and the Day Defendants, there would need to be a modification to  
4 the preliminary injunction and the May 13 Order that would make it clear that I and  
5 the other Day Defendants would have a reasonable ability to pay attorneys' fees and  
6 costs for our defense on an ongoing basis as their invoices become due without  
7 requiring that we seek Court approval for each payment.

8       8. Amounts to be paid to attorneys I engage to assist in my defense or in  
9 the defense of any of the Day Defendants will be paid from a combination of funds  
10 from accounts or assets I have disclosed previously in this lawsuit, including bank  
11 accounts in my name or over which I have control, as well as funds that become  
12 available from personal loans from banks or friends and family, lines of credit that I  
13 may need to obtain to pay for attorneys, and funds from ongoing business and  
14 potential employment activities.

15       9. Specifically, and if permitted by the Court, the amounts I would use to  
16 pay to retain new counsel and the fees owing to Offit Kurman, P.C. are in personal  
17 bank accounts held by me and my wife. My wife is not a defendant in this litigation  
18 or any other litigation.

19       10. Nico Banks sent false and misleading letters to numerous institutions  
20 not only misrepresenting facts but also disclosing account numbers, social security  
21 numbers, and home addresses of defendants and non-defendants in a mass-mailing  
22 type of communication without regard to whether individuals in fact had accounts at  
23 the targeted institutions.

24       11. Numerous institutions have frozen accounts held by defendants as well  
25 as individuals and companies who are not defendants notwithstanding that the May  
26 13 Order allows for personal expenditures of \$9,000 a month..

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1 I declare under penalty of perjury under the laws of California that the  
2 foregoing is true and correct.

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4 Executed this January 8, 2025 at Houston, Texas.

5

6 *Max K. Day*  
Max K. Day (Jan 8, 2025 21:50 CST)

7 MAX K. DAY

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